

OCA 3063-88



CENTRAL INTELLIGENCE AGENCY

Office of Congressional Affairs

Washington, D.C. 20505

Telephone: 351-6136 4 SEP 1988

TO: Ms. Diane S. Dornan
Permanent Select Committee on Intelligence
House of Representatives

Dear Diane:

Per your request, attached is a copy of the applicable language pertaining to overseas security functions.



Legislation Division
Office of Congressional Affairs

Attachment

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FORM 2-86 **1533** OBSOLETE
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(40)

OCA/LEG/ (14 September 1988)

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(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

(Pub.L. 99-399, Title I, § 102, Aug. 27, 1986, 100 Stat. 855.)

References in Text. This chapter, referred to in subsec. (b), was in the original "titles I through IV", meaning Titles I through IV of Pub.L. 99-399, known as the Diplomatic Security Act, which enacted this chapter, amended sections 300, 2349aa-4, 2652, 3929, and 3929a of this title, section 208 of Title 3, The President, section 5315 of Title 5, Government Organization and Employees, and sections 2 and 11 of the Inspector General Act of 1978, Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, which is set out in Appendix 3 to Title 5. For complete classification of Titles I through IV of Pub.L. 99-399, see Short Title note set out under this section and Tables volume.

Short Title. Section 1 of Pub.L. 99-399 provided that: "This Act [enacting this chapter and sections 2656, 2711, 2712, 2780, 3244, and 4901 to 4904 of this title, sections 5569 and 5570 of Title 5, Government Organizations and Employees, sections 1051, 1095 and 2181 to 2185 of Title 10, Armed Forces, section 2331 of Title 18, Crimes and Criminal Procedure, section 1226 of Title 33, Navigation and Navigable Waters, sections 559 and 1013 of Title 37, Pay and Allowances of the Uniformed Services, sections 2160b, 2160c, and 2169 of Title 42, The Public Health and Welfare, and sections 1801 to 1809 of Title 46, Shipping, amending sections 300, 2151a, 2349aa-2, 2349aa-4, 2349aa-7, 2502, 2652, 2708, 3929, and 3929a of this title, section 208 of Title

3, The President, sections 5315 and 6325 of Title 5, sections 2 and 11 of the Inspector General Act of 1978, Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, set out in Appendix 3 to Title 5, sections 793, 794, and 3671 of Title 18, and section 2405 of the Appendix to Title 50, War and National Defense, enacting provisions set out as notes under sections 2708 and 4901 of this title, section 5569 of Title 5, sections 133, 1051, 1095, and 2181 of Title 10, section 559 of Title 37, section 2169 of Title 42, and section 1801 of Title 46, and amending a provision set out as a note under section 2651 of this title] may be cited as the 'Omnibus Diplomatic Security and Antiterrorism Act of 1986'."

Section 101 of Pub.L. 99-399 provided that: "Titles I through IV of this Act [enacting this chapter and amending sections 300, 2349aa-4, 2652, 3929, and 3929a of this title, section 208 of Title 3, The President, section 5315 of Title 5, Government Organization and Employees, and sections 2 and 11 of the Inspector General Act of 1978, Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, set out in Appendix 3 to Title 5] may be cited as the 'Diplomatic Security Act'."

Legislative History. For legislative history and purpose of Pub.L. 99-399, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

§ 4802. Responsibility of Secretary of State

(a) Security functions

The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

- (1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;
- (2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);
- (3) establishment and operation of security functions at all Department of State facilities in the United States; and
- (4) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

(b) Oversight of posts abroad

The Secretary of State shall—

- (1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular¹ posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander);

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appropriations for the Department of State to the area of security and counterterrorism, and in ion and improvements of United States Govern- real property, buildings, facilities, and commu- nity systems.

86, 100 Stat. 855.)

3. The President, sections 5315 and 6325 of Title 5, sections 2 and 11 of the Inspector General Act of 1978, Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, set out in Appendix 3 to Title 5, sections 793, 794, and 3671 of Title 18, and section 2405 of the Appendix to Title 50, War and National Defense, enacting provisions set out as notes under sections 2708 and 4901 of this title, section 5569 of Title 5, sections 133, 1051, 1095, and 2181 of Title 10, section 559 of Title 37, section 2169 of Title 42, and section 1801 of Title 46, and amend- ing a provision set out as a note under section 2651 of this title may be cited as the 'Omnibus Diplomatic Security and Antiterrorism Act of 1986.'

Section 101 of Pub.L. 99-399 provided that: "Titles I through IV of this Act [enacting this chapter and amending sections 300, 2349aa-4, 2652, 3929, and 3929a of this title, section 208 of Title 3, The President, section 5315 of Title 5, Government Organization and Employees, and sections 2 and 11 of the Inspector General Act of 1978, Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, set out in Appendix 3 to Title 5] may be cited as the 'Diplomatic Security Act.'"

Legislative History. For legislative history and purpose of Pub.L. 99-399, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

of State

and implement (in consultation with the heads sonnel or missions abroad where appropriate ces made available) policies and programs, , to provide for the security of United States nature and foreign government operations of s. Such policies and programs shall include—

ates Government personnel on official duty l under the command of a United States area ompanying dependents;

h of security functions at all United States r than facilities or installations subject to the ilitary commander);

of security functions at all Department of s; and

ns, international organizations, and foreign s in the United States, as authorized by law.

he coordination of all United States Govern- atic or consular¹ posts or other United States States Government authorization (except for l under the command of a United States area

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(2) establish appropriate overseas staffing levels for all such posts or mis- sions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander); and

(3) establish, notwithstanding any other provision of law, appropriate over- seas staffing levels of the Regional Offices of the Inspector General of the Agency for International Development in effective consultation with the Inspec- tor General of the Agency: Provided, That the authority of the Secretary of State shall be exercised only by the Secretary and shall not be delegated to a subordinate officer of the Department of State: Provided further, That the Inspector General must report to the appropriate committees of both Houses of the Congress within thirty days the denial by the Secretary of State of a request by the Inspector General to increase or reduce an existing position level of a regional office: Provided further, That the total number of positions authorized for the Office of the Inspector General in Washington and overseas shall be determined by the Inspector General within the limitation of the appropriations level provided.

(c) Federal agency

As used in this subchapter and subchapter III of this chapter, the term "Federal agency" includes any department or agency of the United States Government.

(Pub.L. 99-399, Title I, § 103, Aug. 27, 1986, 100 Stat. 856, amended Pub.L. 100-202, § 101(e) [Title II], Dec. 22, 1987, 101 Stat. 1329-141.)

¹ So in original.

References in Text. This subchapter, referred to in subsec. (c), was in the original "this title", meaning Title I of Pub.L. 99-399, which enacted this subchapter and amended section 5315 of Title 5, Government Organization and Employees, and section 2652 of Title 22, Foreign Relations and Intercourse.

Personnel Security Program for Embassies in High Intelligence Threat Countries. Pub.L. 100-204, Title I, § 155, Dec. 22, 1987, 101 Stat. 1353, provided that:

"(a) **Special security program.** The Secretary of State shall develop and implement, within three months after the date of enactment of this Act [Dec. 22, 1987] a special personnel security pro- gram for personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

"(1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;

"(2) counterintelligence awareness and relat- ed training;

"(3) security reporting and command ar- rangements designed to counter intelligence threats; and

"(4) length of duty criteria and policies re- garding rest and recuperative absences.

"(b) **Report to Congress.** Not later than 6 months after the date of enactment of this subsec- tion [Dec. 22, 1987], the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

"(c) **Definition.** As used in subsection (a), the term 'high intelligence threat country' means—

"(1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961 [section 2370(f) of this title]; and

"(2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Inves- tigation."

Legislative History. For legislative history and purpose of Pub.L. 99-399, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

§ 4803. Bureau of Diplomatic Security

There shall be a Bureau of Diplomatic Security in the Department of State, to be headed by the Assistant Secretary for Diplomatic Security. The Assistant Secretary shall be responsible for such functions as may be directed by the Secretary of State.

(Pub.L. 99-399, Title I, § 104(a), Aug. 27, 1986, 100 Stat. 856.)

Legislative History. For legislative history and purpose of Pub.L. 99-399, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

Library References

Ambassadors and Consuls ¶1.

C.J.S. Ambassadors and Consuls §§ 2 to 10.

§ 4804. Responsibilities of Assistant Secretary for Diplomatic Security

Within the authority of the Secretary of State, the Assistant Secretary for Diplomatic Security should be responsible for the following:

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exercised by the Office of Security, Department 985.

ns abroad

tion of post security and protective functions

entation of communications, computer, and in-

tion of local guard services.

States Marine Corps security guard program. overseas private sector security interests.

ns in United States

ssions and international organizations, foreign el, as authorized by law.

y of State and other persons designated by the d by law.

partment of State facilities, communications, and ms.

relating to protection of foreign officials and missions, suitability for employment, employee sa issuance or use, and other investigations, as

s program for information concerning interna- tion 2708(a) of this title.

curity, investigative, and protective matters as

coordination

of counterterrorism planning, emergency action ms, and liaison with other Federal agencies to

ion of technical and physical security programs, uction, radio and personnel security communica- er and communications security, and research such measures.

c courier service.

ethods, and materials to develop and upgrade y out this section.

t of antiterrorism assistance programs to assist nning which are administered by the Department t II of the Foreign Assistance Act of 1961 (22

986, 100 Stat. 856.)

ance of chapter 32 of this title. For complete classifi- ub.L. cation of this Act to the Code, see Short Title note aded. set out under section 2151 of this title and Tables ed to volume. er II

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Legislative History. For legislative history and purpose of Pub.L. 99-399, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

Library References

Ambassadors and Consuls ¶4.
C.J.S. Ambassadors and Consuls §§ 24 to 25.

§ 4805. Cooperation of other Federal agencies

(a) Assistance

In order to facilitate fulfillment of the responsibilities described in section 4802(a) of this title, other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 4802(a) of this title. The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

(b) Other agencies

Nothing contained in this chapter shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) Certain lease arrangements

The Administrator of General Services is authorized to lease (to such extent or in such amounts as are provided in appropriation Acts) such amount of space in the United States as may be necessary for the Department of State to accommodate the personnel required to carry out this subchapter. The Department of State shall pay for such space at the rate established by the Administrator of General Services for space and related services.

(Pub.L. 99-399, Title I, § 106, Aug. 27, 1986, 100 Stat. 857.)

References in Text. This chapter, referred to in subsec. (b), was in the original "titles I through IV", meaning Titles I through IV of Pub.L. 99-399, known as the Diplomatic Security Act, which enacted this chapter, amended sections 300, 2349aa-4, 2652, 3929, and 3929a of this title, section 208 of Title 3, The President, section 5315 of Title 5, Government Organization and Employees, and sections 2 and 11 of the Inspector General Act of 1978, Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, which is set out in Appendix 3 to Title 5. For complete classification of Titles I through IV of Pub.L. 99-399, see Short Title note set out under section 4801 of this title and Tables volume.

Executive Order 12333, referred to in subsec. (b), is Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R.

59941, which is set out as a note under section 401 of Title 50, War and National Defense.

This subchapter, referred to in subsec. (c), was in the original "this title", meaning Title I of Pub.L. 99-399, which enacted this subchapter and amended section 5315 of Title 5, Government Organization and Employees, and section 2652 of Title 22, Foreign Relations and Intercourse.

Legislative History. For legislative history and purpose of Pub.L. 99-399, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

Library References

Ambassadors and Consuls ¶5.
C.J.S. Ambassadors and Consuls §§ 26 to 30.

§ 4806. Protection of foreign consulates

The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security in making determinations with respect to accreditation of all foreign consular personnel in the United States.

(Pub.L. 99-399, Title I, § 107, Aug. 27, 1986, 100 Stat. 858.)

Legislative History. For legislative history and purpose of Pub.L. 99-399, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

Library References

Ambassadors and Consuls ¶5.
C.J.S. Ambassadors and Consuls §§ 26 to 30.